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OFFICE OF PETITIONS

Applicant: Tang

Appl. No.: 10/762,549

Filing Date: January 23, 2004

Title: MEDIUM, METHOD AND SYSTEM FOR PROVING A TURBINE METER

Attorney Docket No.: 218061.00002

Pub. No.: US 2005/0160784 A1

Pub. Date: July 28, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 6, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, as claim 13, line 6, "and (e)" should be --and (c)--; line 7 "1 bar<P<SO bar" should be --1 bar<P<50 bar--and claim 21, line 1 "a test median" should be --a test medium--.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors noted by requestor in claim 13, wherein "and (e)" should be --and (c)-- and "1 bar<P<SO bar" should be --1 bar<P<50 bar--and claim 21, wherein "a test median" should be --a test medium-- are not material Office errors under 37 CFR 1.221. The errors noted by requestor with respect to the typographical errors in this published application are due to the poor quality of the text in the application. The text in the specification and claims is not clear and blurry, which may be due to faxing the papers. The quality of the text is poor, as it is small and

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

blurry, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. Some of the text in the application is small, blurry and not clear, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

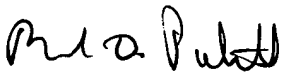
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



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